

Philippines

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Freedom of the Press

The year 2013 saw a noticeable increase in the number of violent attacks on journalists, including several killings, as well as a jump in harassment, threats, and legal action against members of the media. Impunity for violence against journalists and activists remained a serious problem, compounded by the lack of movement in 2013 in the trials around the 2009 Ampatuan massacre, in which 32 journalists and other media staff were among the 58 victims of election-related violence. The legal and regulatory environment for media in the Philippines remained largely stagnant, despite continued pressure to address impunity, pass a Freedom of Information bill, and decriminalize libel.

The constitution guarantees freedom of speech and of expression. There are no restrictive licensing requirements for newspapers or journalists, and few legal limitations such as privacy or obscenity laws. National security legislation introduced in 2007 can be used to limit journalists' traditional rights and access to sources. Also that year, then president Gloria Macapagal Arroyo issued Executive Order 608 creating the National Security Clearance System, which was designed to "protect and ensure the integrity and sanctity" of classified information against "enemies of the state," and national security discourse is regularly employed in obstructing the public's access to government information.

Advocates have continued to challenge the country's penal code, which makes libel a criminal offense punishable by a prison term and, in some cases, large fines. In late 2011, the UN Human Rights Committee (UNHRC) released a declaration stating that the criminal sanction for libel in the Philippines is "excessive" and in violation of the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is a signatory. Nevertheless, the campaign to decriminalize libel has met with resistance, and libel suits continued in 2013 against those who criticized authorities. In June, a village chief in Cebu sued a blocktimer (block timing is a practice under which blocks of commercial air time are bought and sold for political or partisan purposes by "blocktimers" to sponsors or advertisers, most often during election periods) for an allegedly libelous comment. In August, businesswoman Janet Lim-Napoles filed four libel suits against five journalists, a publisher, and a blogger, among others, for their reporting on a "pork barrel" scandal in which she was implicated. Also in August, a Cebu court found broadcaster Leo Lastimosa guilty of a 2007 libel charge filed by a local politician, and in September, the editor and publisher of *Sun Star Davao* were also convicted of libel charges relating to a 2003 article citing a police report that named the complainant. In both cases, the courts ordered heavy fines.

The controversial Anti-Cybercrime Prevention Act of 2012 remained suspended in 2013. The law was enacted on October 3, 2012, without any input from journalists or journalist organizations; a few days later the Supreme Court suspended the law's implementation for 120 days following public demonstrations. An analyst with the advocacy group the Center for Media Freedom and Responsibility (CMFR) called the law, which criminalizes libel online, "The worst assault on free expression since Ferdinand Marcos declared martial law 40 years ago." In February 2013, the Supreme Court extended until further notice the Temporary Restraining Order it had issued in October 2012, and as of the end of 2013, attempts to repeal or amend the law were unresolved.

The push by civil society advocates for a Freedom of Information (FOI) bill was further stymied in 2013, as the government's first draft FOI bill to the House of Representatives failed to pass in 2012 and continued to meet with resistance and delaying maneuvers during 2013. In December, the Senate passed a renamed

version of the FOI bill, the People's Ownership of Government Information Act. Unfortunately, the House of Representatives did not pass a counterpart measure.

Although a censorship board has the power to edit or ban content for both television and film, government censorship does not typically affect political material. Both the private media and the country's many publicly owned television and radio stations address numerous controversial topics, including alleged election fraud, ongoing counterinsurgency campaigns, and high-level corruption cases.

The year 2013 saw an increase in killings of journalists compared to 2012, and violence and threats against journalists continue. The numbers vary, depending on how advocacy groups define whether attacks are related to journalistic duties. According to the Southeast Asian Press Institute (SEAPA), 12 journalists were killed for their work in 2013, while the Manila-based Center for Media Freedom and Responsibility (CMFR) counted 10 such killings. The most conservative estimate is from the Committee to Protect Journalists (CPJ), which confirmed the motive in 3 of the killings of journalists in 2013. Victims included radio host Joash Dignos, a critic of local officials, who was shot in Valencia City in late November; and Mario Sy, a freelance journalist in General Santos city who was killed in his home in August shortly after contributing photographs to a report on drug trafficking. Journalists were also frequently subject to nonfatal violence and harassment, with CMFR tallying at least such 66 incidents in 2013. These include direct attacks on journalists, shots fired at journalists' homes, threats received through the mail or texts, illegal arrests, and raids on radio stations. A continuing culture of impunity exacerbates the problem.

Impunity remains a primary focus of reform efforts and has gained increased international attention. In 2013, CPJ again ranked the Philippines third in its impunity index, which tracks the countries with the worst records for solving murders of journalists. Those advocating for an end to impunity have called for a strengthening of the country's witness protection program, enhancement of the police's ability to investigate cases, and the reformation of the antiquated court rules that have delayed trials, particularly in the case of the Ampatuan massacre, when 30 journalists and 2 media workers were killed in a premeditated act of election violence. The administration of former president Arroyo had made some efforts to address impunity, such as establishing in 2006 Task Force USIG, a special police unit to investigate killings of journalists and activists, but only a handful of cases have resulted in any convictions since its establishment. Meanwhile, the law on the writ of amparo, instituted in October 2007, to protect the right to "life, liberty and security" in cases pertaining to extralegal killings, enforced disappearances, or threats of such acts was granted once for the temporary protection of a journalist who was targeted in a murder plot.

Upon his election in May 2010, President Benigno Aquino III pledged to end the killings and impunity, asserting that half of the cases of extrajudicial killings were on their way to being resolved. Nevertheless, little has been accomplished under his administration, and government officials have publicly played down the issue. While the successful conviction and sentence to life imprisonment for the gunman in the killing of broadcaster and environmentalist Gerardo Ortega in May 2013 was an important victory against impunity, in October the Court of Appeals affirmed its earlier dismissal of the case against former Palawan governor Joel Reyes, who allegedly masterminded Ortega's murder. In November, on the eve of the fourth anniversary of the Ampatuan massacre, Secretary Herminio (Sonny) Coloma of the Presidential Communication Operations Office stated during a press conference that there is "no more culture of impunity," claiming that the list of killed journalists is inflated. And in December, during a meeting with Japanese Prime Minister Shinzo Abe, President Aquino expressed regret about recent killings but stated that this was not a "national catastrophe." Perhaps the biggest indicator of ongoing impunity and lack of government engagement in the issue, however, is the lack of progress in the trials surrounding the Ampatuan massacre. As in previous years, these trials continued to be bogged down by judicial technicalities and a slow-moving court process in 2013. Stalling tactics such as motions and petitions continue to be used by some defendants to stonewall the process and several witnesses have been killed.

In December, the Philippine Supreme Court released new guidelines on how to expedite the proceedings in the Ampatuan trials.

Most print and internet-based media outlets in the country are privately owned, and while the government owns some television and radio stations, they present a wide variety of views. The Philippine media scene is characterized by large, elite, and often family-owned conglomerates with interests in media and other large sectors of the economy. While the private press includes hundreds of newspaper titles, television ownership is more concentrated, with the two largest broadcast networks (ABS-CBN and GMA-7) controlled by wealthy families who own other media and non-media holdings and whose major TV networks dominate audience share and advertising. Often criticized for lacking journalistic ethics, media outlets tend to reflect the political or economic orientations of their owners and patrons. The practice of using bribes or strategic “favors” to elicit positive coverage is widespread but also openly debated and challenged by journalist ethics trainings conducted by media groups and reform advocates. News reports are often rooted in sensationalism and innuendo in order to boost circulation. The nature of advertising and the prevalence in radio broadcasting of “blocktiming” contribute to sensational reporting and violence against its practitioners. There are more than 600 radio stations.

In 2013, 37 percent of the population accessed the internet. Internet use in the Philippines is not restricted, and social-media sites such as YouTube, Facebook, and Twitter—as well as international blog-hosting services—have remained openly available, with penetration rates for these sites among the highest in the region. Nevertheless, broadband penetration in the Philippines remains among the lowest in Southeast Asia. Mobile phones remain the most widely used technology in the country, with over 100 million subscriptions in 2013, many with access to the internet through their mobile phones.

2014 Scores

Press Status

Partly Free

Press Freedom Score

(0 = best, 100 = worst)

44

Legal Environment

(0 = best, 30 = worst)

13

Political Environment

(0 = best, 40 = worst)

21

Economic Environment

(0 = best, 30 = worst)

10